



AMERICAN JAIL ASSOCIATION

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Supporting Individuals Working in Our Nation's Jails

August 15, 2008

By Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W. – TW-A325
Washington, D.C. 20554

Re: *Ex Parte*, CC Docket No. 96-128
Security Challenges Related to the *Wright Alternative Petition*

Dear Secretary Dortch:

This letter is submitted in connection with the *Wright Alternative Petition* in the above-referenced docket, as that Petition, if granted, will negatively impact jail administrators and their provision of inmate phone service throughout the nation.

The American Jail Association (AJA) is a national, nonprofit organization dedicated to supporting those who work in and operate our nation's jails. There are an estimated 3200 jails in small towns, large cities and counties spread across the US. Our organization is the only national association that focuses exclusively on issues specific to the operations of local correctional facilities. Today, the Association has 23 officers and members of the Board of Directors, 14 full-time staff serving hundreds of Certified Jail Managers, Certified Jail Officers and more than 60,000 jail professionals through more than 4,200 unique memberships. As such, issues that impact jails concern AJA.

Jail administrators are responsible for managing the operation and the security of jail facilities nationwide. One aspect of this responsibility is the management of inmate phone systems provided for use by inmates. Inmate telephone service is important for the welfare of inmates. These systems are a positive rehabilitation tool that fosters the maintenance of family and community ties. The AJA is on record supporting fair and reasonable rates for these calls.

Inmate telephone service can only be provided if the service is adequately controlled to prevent criminal activity via the telephone that harms the public and can compromise jail safety and security. Facilities contract with inmate telephone service providers that possess the technology to ensure that inmate calling is adequately controlled and secure.

Jail administrators rely on these inmate telephone service providers to assist their staff in using the time, effort and resources necessary for monitoring and supervising the telephone activities of the inmates as efficiently as possible.

The AJA understands that the *Wright Alternative Proposal* would dramatically reduce the rates permitted for interstate long distance calls originating from confinement facilities. Whether such rate reductions are appropriate given the record before the Commission is a matter committed to the Commission's expertise, but the AJA does caution against any action by the Commission that will impede the ability of jail administrators and law enforcement to administer inmate-calling systems and protect public safety and security, both inside and outside the facility.

The AJA has grave concerns that the dramatic reduction in the rates for one category of calling could cause inmates and their associates to seek out calling arrangements that would subvert security protocols and mask the terminating point of the call. For example, given highly disparate rates for one type of calling, inmate families and friends will obtain prepaid wireless telephones and VOIP service with interstate numbers to mask their true exchange. The resulting lack of visibility as to the called party on such calls will impede law enforcement's ability to maintain controls on inmate calling and investigate criminal activity.

The AJA opposes any Commission action that will knowingly encourage inmate family and friends to obtain telephone accounts that will mask their exchange, impede law enforcement's ability to maintain controls on inmate calling and assist in the investigation of criminal activity.

The AJA also has serious concerns about any rate constraints, which fail to consider the costs incurred by jails in administering inmate calling systems. Any action to establish fair and reasonable rates for inmate calling service must take into consideration the real and substantial costs incurred by jails in ensuring the appropriate operation of inmate calling systems. These costs are presently typically recovered through commissions paid by service providers to the facilities. Regardless of the recovery mechanism, jails will not be able to maintain and support inmate calling systems if they are not permitted to recover the costs they incur in providing these services. Given the diminishing budgetary resources available to the majority of this nation's jails many facilities may be faced with the curtailment of telephone services to the inmate population. This would have a significant detrimental effect on both the individual inmate and the inmate's family and friends.

We would respectfully request the opportunity to meet with the members of the Commission and discuss these issues further in order to achieve a mutually beneficial outcome to the *Wright Alternative Petition*.

Respectfully submitted,

Gwyn Smith-Ingley

Executive Director

cc: Chairman Kevin J. Martin
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell
Mr. Albert Lewis
Ms. Pamela Arluk
Mr. Doug Galbi
Ms. Lynne Hewitt Engledow
AJA Board of Directors